

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Andrew Joseph Fornal**  
**Marylee Fornal**  
**fka Marylee Smith**  
Debtor(s)

Bankruptcy Case No.: 15-10227-TPA  
Per July 21, 2016 Proceeding  
Chapter: 13  
Docket No.: 81 – 75, 76, 78  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 6, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,534.00 as of July, 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: JP Morgan (Claim No. 6) shall not be paid due to surrender of collateral, but all prior distributions were proper.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: July 19, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Andrew Joseph Fornal  
 Marylee Fornal  
 Debtors

Case No. 15-10227-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 44

Date Rcvd: Jul 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 21, 2016.

db/jdb  
 cr  
 14003740 #+Andrew Joseph Fornal, Marylee Fornal, 2498 McArthur Road, Jamestown, PA 16134-4944  
 14003743 +HSBC MORTGAGE SERVICES, INC., 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883  
 14003745 #+Aaron Sales & Lease Own, 309 East Paces Ferry, Atlanta, GA 30305-2367  
 +Capital One Bank, Attn: General Correspondence, Po Box 30285,  
 Salt Lake City, UT 84130-0285  
 14003746 +Citibank / The Home Depot, Centralized Bankruptcy, Po Box 790040,  
 Saint Louis, MO 63179-0040  
 14003746 +Community Bank Na, Attn: Bankruptcy, Po Box 509, Canton, NY 13617-0509  
 14048684 +Community Bank, N.A., PO Box 509, Canton, NY 13617-0509  
 14003748 +First Premier Bank, 3820 North Louise Avenue, Sioux Falls, SD 57107-0145  
 14003751 +HSBC Bank, Attn: Bankruptcy, PO Box 5213, Carol Stream, IL 60197-5213  
 14016658 +HSBC Mortgage Services, Inc., P.O. Box 21188, Eagan, Minnesota 55121-0188  
 14003750 +Hsbc / RS, Attn: Bankruptcy Department, Po Box 5263, Carol Stream, IL 60197-5263  
 14003756 +MCA Fixed Payment LLC, 525 Broadhollow Road, Melville, NY 11747-3736  
 14058368 Navient Solutions, Inc., Department of Education Loan Services, P.O. Box 9635,  
 Wilkes-Barre, PA 18773-9635  
 14003758 North and South Shenango Joint, Municipal Authority, 3104 Water Trail Drive,  
 Jamestown, PA 16134  
 14003759 +Northwest Consumer Discount Companu, 272 Chestnut Street, Suite J,  
 Meadville, PA 16335-3202  
 14003761 +PA Department of Labor and Industry, Attn: Joe Kots, 625 Cherry Street, Room 203,  
 Reading, PA 19602-1152  
 14003763 +Pinnacle Credit Service, Attn: Bankruptcy, Po Box 640, Hopkins, MN 55343-0640  
 14003764 +Seventh Avenue, 1112 7th Avenue, Monroe, WI 53566-1364  
 14003768 +Us Department Of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448  
 14003769 +Verizon, Bankruptcy Dept, 500 Technology Drive, Suite 550, Saint Charles, MO 63304-2225  
 14003770 +Wfs Financial / Wachovia Dealer Services, Po Box 3569, Rancho Cucamonga, CA 91729-3569  
 14003771 +Windstream Communications, Attn: Alice Peace, 2 North Main Street,  
 Greenville, SC 29601-4874

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 cr E-mail/PDF: rmscedi@recoverycorp.com Jul 20 2016 01:34:17

Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 14003741 +E-mail/Text: collections@blirentals.com Jul 20 2016 01:43:38 BLI Rentals, PO Box 992,  
 Emporia, KS 66801-0992  
 14018402 +E-mail/Text: ebn@squaretwofinancial.com Jul 20 2016 01:44:34 CACH, LLC,  
 4340 S. Monaco Street, 2nd Floor, Denver, CO 80237-3485  
 14003742 +E-mail/Text: ebn@squaretwofinancial.com Jul 20 2016 01:44:34 Cach Llc,  
 Attention: Bankruptcy Department, 4340 South Monaco Street, 2nd Floor,  
 Denver, CO 80237-3485  
 14049336 +E-mail/Text: bankruptcy@navps.com Jul 20 2016 01:44:28 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340  
 14003744 +E-mail/Text: bk.notifications@jpmchase.com Jul 20 2016 01:43:40 Chase Auto,  
 Attn: National Bankruptcy Dept, Po Box 29505, Phoenix, AZ 85038-9505  
 14003747 +E-mail/PDF: pa\_dc\_ed@navient.com Jul 20 2016 01:34:17 Department Of Education / Navient,  
 Po Box 9635, Wilkes Barre, PA 18773-9635  
 14003749 +E-mail/PDF: gecsedirecoverycorp.com Jul 20 2016 01:34:38  
 GE Capital Retail Bank / Care Credit, Attn: Bankruptcy, Po Box 103104,  
 Roswell, GA 30076-9104  
 14003752 +E-mail/Text: bankruptcy@huntington.com Jul 20 2016 01:44:03 Huntington National Bank,  
 Bankruptcy Department, Po Box 89424, Cleveland, OH 44101-6424  
 14003754 +E-mail/Text: cio.bncmail@irs.gov Jul 20 2016 01:43:34 Internal Revenue Service,  
 Centralized Insolvency Operations, PO Box 7346, Philadelphia, PA 19101-7346  
 14029063 E-mail/Text: bk.notifications@jpmchase.com Jul 20 2016 01:43:40 JPMorgan Chase Bank, N.A.,  
 National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038-9505  
 14003757 +E-mail/Text: bankruptycdpt@mcmcg.com Jul 20 2016 01:44:06 Midland Funding LLC,  
 8875 Aero Drive, San Diego, CA 92123-2255  
 14003760 +E-mail/Text: bankruptycnotices@psecu.com Jul 20 2016 01:44:42 P S E C U,  
 Attention: Bankruptcy, Po Box 67013, Harrisburg, PA 17106-7013  
 14003762 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jul 20 2016 01:43:47 PA Department of Revenue,  
 Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946  
 14088901 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 20 2016 01:34:15  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14016381 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jul 20 2016 01:43:47  
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,  
 Harrisburg, Pa. 17128-0946  
 14087964 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Jul 20 2016 01:44:23 Premier Bankcard, Llc,  
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 14009917 E-mail/PDF: rmscedi@recoverycorp.com Jul 20 2016 01:33:47  
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
 Miami, FL 33131-1605

District/off: 0315-1

User: vson  
Form ID: 149

Page 2 of 2  
Total Noticed: 44

Date Rcvd: Jul 19, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14003765 +E-mail/Text: bankruptcy@sw-credit.com Jul 20 2016 01:44:08 Southwest Credit System,  
4120 International Parkway, Suite 1100, Carrollton, TX 75007-1958  
14003766 +E-mail/PDF: gecsedirecoverycorp.com Jul 20 2016 01:34:08 Synch / Bank Luxury,  
PO Box 965036, Orlando, FL 32896-5036  
14003767 +E-mail/PDF: gecsedirecoverycorp.com Jul 20 2016 01:34:38 Synch / Kawasaki,  
900 Concourse Drive, Rapid City, SD 57703-4762  
14086788 E-mail/PDF: gecsedirecoverycorp.com Jul 20 2016 01:34:08 Synchrony Bank,  
Attn: Bankruptcy Department, PO Box 530912, Atlanta, GA 30353-0912

TOTAL: 22

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Beneficial Consumer Discount Co.  
cr JP MORGAN CHASE BANK, NATIONAL ASSOCIATION  
cr The Huntington National Bank  
14003755\* +Internal Revenue Service, Office of District Counsel, 1000 Liberty Center, Suite 601C,  
Pittsburgh, PA 15222-4014  
14003753\* Internal Revenue Service, Insolvency Unit, PO Box 628, Pittsburgh, PA 15230  
TOTALS: 3, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 21, 2016

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 19, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor JP MORGAN CHASE BANK, NATIONAL ASSOCIATION  
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com  
Daniel P. Foster on behalf of Debtor Andrew Joseph Fornal dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
Daniel P. Foster on behalf of Joint Debtor Marylee Fornal dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
David Neeren on behalf of Creditor Beneficial Consumer Discount Co. dneeren@udren.com,  
vbarber@udren.com  
Keri P. Ebeck on behalf of Creditor The Huntington National Bank kebeck@weltman.com,  
jbluemle@weltman.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Stuart P. Winneg on behalf of Creditor Beneficial Consumer Discount Co. swinneg@udren.com,  
cblack@udren.com

TOTAL: 8